



American Association of
State Highway and
Transportation Officials

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Thomas R. Warne, President
Executive Director
Chief Administrative Officer
Utah Department of Transportation

John Horsley
Executive Director

November 13, 2000

Office of the Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington D.C. 20554

Dear Sir or Madame:

Enclosed are an original and nine copies of AASHTO's comments concerning WT Docket No. 98-182 concerning Replacement of Part 90 by part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Government Them and Examination of Exclusivity and Frequency Assignment Policies of the Private land Mobile Services.

Do not hesitate to inform me if you have further comments or questions regarding this submittal.

Yours truly,

A handwritten signature in dark ink, appearing to read "John Horsley".

John Horsley
Executive Director

JCH:LAM:sp

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NOV 13 2000

**Before the
Federal Communications Commission
Washington, D. C. 20554**

PR Docket No. 92-235

Executive Director

Before the
Federal Communications Commission
Washington, D. C. 20554

In the Matter of)	
)	
1998 Biennial Regulatory Review)	WT Docket No. 98-182
47 C.F.R. part 90 – Private Land Mobile)	RM-9222
Radio Services)	
)	
Replacement of Part 90 by part 88 to Revise)	PR Docket 92-235
the Private Land Mobile Radio Services and)	
Examination of Exclusivity and Frequency)	
Assignment Policies of the Private Land)	
Mobile Services)	

REPORT AND ORDER AND FURTHER NOTICE OF PROPOSED RULE MAKING

Adopted: June 28, 2000

Released: July 12, 2000

To: The Commission

Introduction

The American Association of State Highway and Transportation Officials (AASHTO) respectfully submits these comments in the Commission's Report and Order and Further Notice of Proposed Rulemaking in the above captioned proceeding.

AASHTO is the national association of the departments of highways and transportation for the 50 states, the District of Columbia and Puerto Rico. Its scope includes all five principal transportation modes, and its major purpose is to foster the development, operation and maintenance of an integrated national transportation system.

AASHTO, through its Special Committee on Communications, has been involved in matters related to radio frequency communications and associated systems for more than 40 years. AASHTO serves the Commission's certified frequency coordinator for the Highway Maintenance Radio Service and is one of four Public Safety Frequency Pool frequency coordinators. AASHTO is an active member of the Intelligent Transportation Society of America (ITSA) with membership in many ITSA committees including the ITSA Telecommunications Committee.

POSITION STATEMENT

AASHTO supports the Commission's goal in this proceeding of further consolidating and streamlining the Part 90 Rules.

License Term

AASHTO agrees that the license term for all stations licensed under Part 90 of the Commission's rules be granted for a term not to exceed ten years.

Frequency Coordination for 220 MHz Public Safety Radio Service Frequencies

The Commission should clarify that applicants for the 220 Public Safety Radio Service frequencies can submit their applications to any of the certified Public Safety Radio Service frequency coordinators. Allowing competition between the frequency coordinators will improve the service to the applicants in a shared Public Safety Radio Service.

Sharing of facilities between Federal, State and Local Governmental Entities

Public Safety agencies should be allowed to enter into sharing agreements with their Federal counterparts on a non-profit cost-shared basis. The extension of the Public Safety/Federal sharing arrangement to include utility companies offers many of the benefits, which justify Public Safety/Federal Agency sharing.

Utility Company work crews often work along side workers representing all facets of Public Safety services. Allowing shared systems will facilitate interoperability between these groups. This will improve emergency response operations.

If such an expansion of interoperability is beyond the scope of this proceeding, AASHTO encourages the Commission to initiate a rulemaking to seek public comment on this proposal.

90.20 Public Safety Pool: Highway maintenance frequencies.

The Federal Communications Commission allocated frequencies in the in the 150-174 MHz band to specific classes of users by designating separate radio "services" for each group of like radio system users. An example of that policy is the Police Radio Service.

The Highway Maintenance Radio Service was established in order that the frequencies available for Highway and transportation organizations could be managed and administered.

In order to prevent the warehousing of frequencies by state highway maintenance agencies. The Commission limited the assignment of certain frequencies to highway maintenance systems operated by licensees other than states. This limitation was originally listed as FCC Rule Part 90.23 (a) (5). On October 17, 1997 the Commission added Part 90.20 to the Rules. Limitation 90.20 (a) (43) replaced 90.23-(a) (5) and is identical.

The frequencies affected by this limitation were not assigned to state transportation agencies without a "waiver" of that rule part. Many state transportation agencies obtained authorization to utilize one or more of these frequencies through the "waiver" process.

The commission allowed the "interservice sharing" of the frequencies limited by Rule part 90.23 (a) (5) by non-highway maintenance service public safety organizations prior to the consolidation of the Part 90 radio Services on October 17, 1997. The interservice sharing process was governed by FCC Rule Part 90.176. Interservice sharing promoted the uniform distribution of the Private Land Mobile Radio Service spectrum between all radio system operators. Following the consolidation of the radio services on October 17, 1997, the Commission began requiring waivers for non highway maintenance agencies to operate on the frequencies limited by FCC Rule Part 90.20 (43). This policy has created a burden upon the frequency coordinators and applicants by requiring them to furnish documentation that there are no other frequencies, which can be assigned for the proposed systems. Many applications have been returned to the coordinators by the Commission with a suggestion that the applicant utilize other frequency bands. Many of the applications impacted by this police are Fire Departments who wish to convert existing systems from Simplex to Mobile Relay Systems. The need for transmit and receive frequency separation mandates the use of frequencies from outside the Fire Radio Service.

AASHTO strongly encourages the Commission to eliminate FCC Rule part 90.20 (43).

CONCLUSION

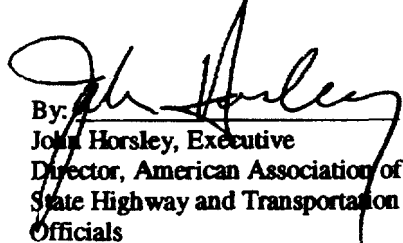
AASHTO supports the Commission's efforts to introduce competition for frequency coordination for applicants desiring to operate private land mobile radio systems in the 220 MHz frequency band.

AASHTO commends the Commission for proposing greater flexibility in the operation of shared resource systems between State, Local and Federal Governmental agencies. We suggest that the same approach be applied to Utility Companies and other quasi-governmental organizations.

AASHTO agrees with the Commission that FCC Rule Part 90.20 (43) be eliminated from the current rules in its entirety.

AASHTO respectfully requests that the Commission considers and acts favorably upon these comments as it proceeds with this important undertaking.

Respectfully submitted, American
Association of State Highway and
Transportation Officials, Special
Committee on Communications

By: 
John Horsley, Executive
Director, American Association of
State Highway and Transportation
Officials